

# Investigating & Prosecuting Animal Abuse



By Allie Phillips, J.D. and Randall Lockwood, Ph.D.

A Guidebook on  
Safer Communities, Safer Families  
& Being an Effective Voice  
for Animal Victims



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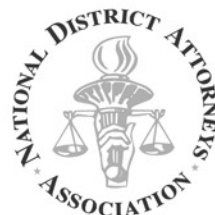


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Safer Communities, Safer Families  
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### ABOUT THE AUTHORS

**Allie Phillips** is a former prosecuting attorney and author who is nationally recognized for her work on behalf of animals. She is the Director of the National Center for Prosecution of Animal Abuse and Deputy Director of the National Center for Prosecution of Child Abuse at the National District Attorneys Association. She was an Assistant Prosecuting Attorney in Michigan and subsequently the Vice President of Public Policy and Human-Animal Strategic Initiatives for American Humane Association. She has been training criminal justice professionals since 1997 and has dedicated her career to helping our most vulnerable victims. She specializes in the co-occurrence between violence to animals and people and animal protection, and is the founder of Sheltering Animals & Families Together (SAF-T) Program, the first and only global initiative working with domestic violence shelters to welcome families with pets. She authored *Defending the Defenseless: A Guide to Protecting and Advocating for Pets* (2011) and *How Shelter Pets are Brokered for Experimentation: Understanding Pound Seizure* (2010) and has written chapters in several animal protection books. She volunteers her time with numerous nonprofit organizations that benefit animals, including being an advisor to the Association of Professional Humane Educators, liaison to the ABA's Commission on Domestic & Sexual Violence (where she contributes on animal issues), council member of the Michigan State Bar Animal Law Section, steering committee member of the National Link Coalition, vice president of No Paws Left Behind, and co-founder of Michiganders for Shelter Pets. She is a graduate of Michigan State University and University of Detroit School of Law. Learn more at [www.alliephillips.com](http://www.alliephillips.com) and [www.animalsandfamilies.org](http://www.animalsandfamilies.org).



**Randall Lockwood** has degrees in psychology and biology from Wesleyan University in Connecticut and a doctorate in psychology from Washington University in St. Louis. He was Assistant Professor in the psychology departments of the State University of New York at Stony Brook and Washington University. In 2005 he joined the staff of the American Society for the Prevention of Cruelty to Animals where he is currently Senior Vice President for Forensic Sciences and Anti-Cruelty Projects. For over thirty years he has worked with law-enforcement agencies serving as an expert on the interactions between people and animals. He has testified in dozens of trials involving cruelty to animals or the treatment of animals in the context of other crimes, including dogfighting, child abuse, domestic violence and homicide. In 2008 he received a Public Service Award from the United States Attorneys Office for his assistance in the Michael Vick dogfighting case. He is a Fellow of the Oxford Centre for Animal Ethics, a member of the American Academy of Forensic Sciences and a member of the Board of Directors of the International Veterinary Forensic Sciences Association. He serves as official advisor on animal crimes to the New York State Police. He is co-author of *Cruelty to Animals and Interpersonal Violence* (1998) and *Forensic Investigation of Animal Cruelty: A Guide for Veterinary and Law Enforcement Professionals*, (2006) and author of *Prosecuting Animal Cruelty Cases: Opportunities for Early Response to Crime and Interpersonal Violence*, (2006) and *Dogfighting Toolkit for Law Enforcement* (2011).



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*Note: Throughout this publication, "animal abuse" is generally used as the overall broad term to describe all forms of crimes towards animals; "animal cruelty" is used to describe intentional criminal conduct towards animals; and "animal neglect" is used to describe negligent acts and/or failing to provide adequate care for animals.*

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## FOREWORD: THE LINK BETWEEN VIOLENCE TO ANIMALS AND PEOPLE

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Historically, violence to animals has been viewed as an issue separate from other forms of violence. However, cruelty to animals, particularly companion animals, is now seen as a part of the landscape of family violence and a risk to human health, safety and welfare with strong links to child maltreatment, domestic violence and elder abuse. “Link” advocates believe that people are at risk when animals are abused, and that animals are at risk when people are abused. Since no forms of family violence should be tolerated, the disciplines involved should collaborate for a more effective, comprehensive approach to reduce violence.

A growing and compelling body of research is confirming these links and describing animal abuse as a predictor and indicator crime that often signals serious interpersonal aggression and familial dysfunction. People who abuse animals have been found to be significantly more likely to commit violent crimes, domestic violence and other antisocial behaviors. Caseworkers in any one field must be trained to observe for other manifestations of family violence and to report them to appropriate authorities.

Animal cruelty perpetrated or witnessed by youths is no longer seen as a benign stage of growing up but rather as one of the earliest diagnostic indicators of conduct disorder. A history of animal abuse is one of the four most significant risk factors of someone becoming a domestic violence batterer, and batterers who also abuse animals are more violent and use more types of controlling behaviors against their intimate partners.

This growing awareness is resulting in a variety of responses addressing The Link. These include: pet foster care and housing programs for domestic violence survivors; inclusion of animals in domestic violence protection-from-abuse court orders; legislation enabling or requiring veterinarians, child protection workers and animal shelter personnel to report suspected abuse; increased criminal penalties and psychological assessment and counseling for animal abuse offenders; training at-risk youth in nonviolent conflict-resolution competencies through animal-assisted interventions; development of veterinary forensic sciences to facilitate animal cruelty prosecutions; and establishing community and national multidisciplinary coalitions based upon The Link between animal abuse and human violence.

Phil Arkow  
*Coordinator, National Link Coalition*  
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*Chair, Animal Abuse and Family Violence Prevention Project, The Latham Foundation*





## INTRODUCTION

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*“Animal cruelty is more than just a legal issue, it’s a community issue. If you improve animal welfare in a community, you improve public safety for everyone.”*

*—Baltimore Mayor Stephanie Rawlings-Blake*

*In January of 2013, Jimmy Lee Dykes was alleged to have beaten a 120-pound beloved family dog with a lead pipe. The dog died a week later from his injuries. When animal control officers spoke with Dykes about the dog, the officers said that “his only regret was that he didn’t beat him to death all the way. If a man can kill a dog, and beat it with a lead pipe and brag about it, it’s nothing until it’s going to be people.” A few weeks later, in an incident that gripped the nation and media outlets, Jimmy Lee Dykes killed a school bus driver and kidnapped a 5-year-old boy who he then held hostage in an underground bunker for nearly a week. Jimmy Lee Dykes was killed during the rescue efforts of the boy.<sup>1</sup>*

*In July 2012, two dogs were doused with gasoline and set on fire in Philadelphia. Chloe was found and died a day later from her injuries. On another day, Hercules was found with severe burns and survived. Shortly thereafter, Jerry Buckley, the new CEO of the Pennsylvania SPCA (the second oldest animal protection organization in the United States), organized a Rally for Chloe and Hercules to raise awareness regarding animal cruelty and to encourage support for humane education programs. Approximately 250 supporters attended. In June 2013, Jerry Buckley authored an opinion letter in the Philadelphia Enquirer newspaper about the importance of taking animal cruelty seriously, about the need for funding humane education and prevention efforts, rather than funding the care for abused animals. He stated, “One thing I’ve learned in my first year with the Pennsylvania SPCA is that there is so much to teach, and we cannot teach alone. We must come together, educate our peers, be a voice for animals, and ultimately build stronger, healthier, and happier communities. For Hercules, Chloe, and all the animals I’ve met this past year, there has to be a better way.”<sup>2</sup> In spite of \$10,000 in reward money being raised, no one in the community would identify the culprits. Although Chloe lost her life, Hercules was adopted by a veterinarian who cared for him and he is well and thriving.*

*In June of 2012, nearly 50 pit bull type dogs, ranging in age from 12 weeks to five years, were removed from a windowless basement of a six-story apartment building in the Bronx, New York following an investigation involving the ASPCA, the NYPD Vice Enforcement Division and the Bronx District Attorney’s Office. The space, which served as a makeshift dog fighting arena, was littered with crude wooden cages and had the capacity for roughly 100 spectators. Raul Sanchez, the building’s superintendent, was taken into custody and charged with felony animal fighting. Also discovered on scene were a loaded .25-caliber handgun, U.S. currency, and other equipment associated with dog fighting—including dog treadmills, harnesses, muzzles,*

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<sup>1</sup> “Man holding little boy hostage in Alabama is also accused of animal abuse,” available at <http://www.examiner.com/article/man-holding-little-boy-hostage-alabama-is-also-accused-of-dog-abuse>.

<sup>2</sup> Jerry Buckley, *Put an end to animal cruelty*, PHILADELPHIA INQUIRER (June 7, 2013), available at [http://articles.philly.com/2013-06-07/news/39817584\\_1\\_animal-abuse-animal-cruelty-animal-advocates](http://articles.philly.com/2013-06-07/news/39817584_1_animal-abuse-animal-cruelty-animal-advocates).

## Investigating & Prosecuting Animal Abuse

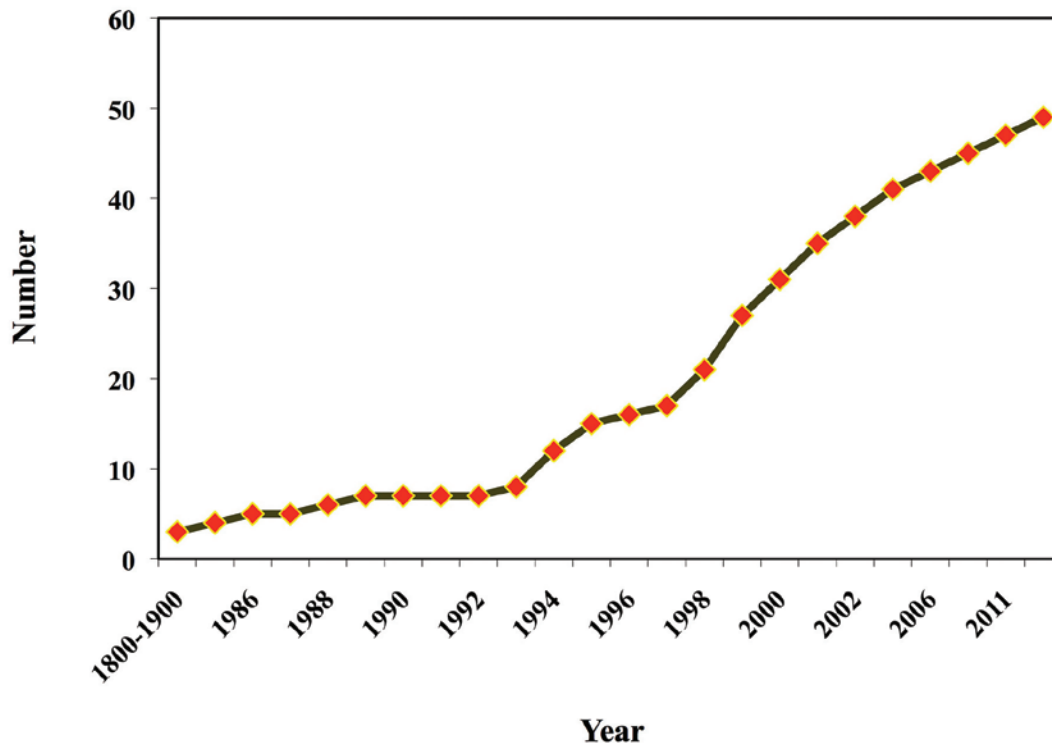
*syringes and a shopping cart full of raw chicken parts. Sanchez, later pleaded guilty to dog fighting and was sentenced to one to three years for animal fighting, one year for animal cruelty and one year for criminal possession of a weapon.*

Animal abuse investigations and prosecutions have become daily events that attract widespread attention. These are not rare crimes that occur at the hands of seriously deranged individuals; they happen everyday, everywhere. The surge of social media, and smart phones that can photograph and videotape crimes as they are happening, has raised the awareness of people as to the plight of animal abuse. Several cities have instituted smart phone applications that specifically allow the reporting of crimes against animals, with the inclusion of photographs, videos and GPS data to help locate the incident. These cases generate enormous emotion and interest, yet they can be challenging for investigators and prosecutors.

Today, animal abuse is in the same posture as child abuse was in the 1980s; largely misunderstood while under-investigated and under-prosecuted. However, in the past decade, we have seen an evolution in the way that animals are perceived.

<b>The Past</b>	<b>Today</b>
<i>It's just an animal.</i>	Studies have proven that most species of animals are sentient beings and companion animals, in particular, feel emotions and pain similar to humans.
<i>Animals have no rights.</i>	Every state in the United States has passed laws, many felony laws, against cruelty to animals.
<i>This is how we've always treated animals.</i>	Laws and society are evolving to what we instinctively know to be ethically and morally right in the treatment of animals. As society and laws change, so must behavior. Just because cockfighting was a cultural tradition in the past does not mean that it is tolerated or legal today.
<i>It's only a misdemeanor.</i>	Every state but one now has felony laws for the most serious forms of animal cruelty. And while some incidents are misdemeanor crimes, animal abuse should not be treated dismissively due to its connection to a host of other crimes.
<i>I have more important cases to deal with.</i>	When you hold animal abusers accountable, you can prevent other crime and begin to change a community in regards to safety.

**Figure 1:** Number of States with Felony Animal Cruelty Provisions (as of August 2013)



Laws are catching up to what instinctively we know as people to be ethically and morally right in the treatment of animals.

- Letting a tethered dog freeze to death outside ... No one says that is okay.
- Letting someone torture and slit the throat of a cat as a form of retaliation ... No one says that is okay.
- Letting a horse die from starvation because the owner is not properly feeding the horse ... No one says that is okay.
- Allowing a child to harm or kill an animal and get away with it ... No one says that is okay.

Although some may still view these cases as “minor” crimes, there has been a movement in the past decade to recognize animal abuse as a serious societal crime:

- Television shows such as “Animal Precinct,” which highlighted the efforts of the Humane Law Enforcement division of The American Society for the Prevention of Cruelty to Animals (ASPCA) in

New York City, continue to be extremely popular—leading to numerous spin-offs showcasing similar efforts in Houston, Detroit, Miami, San Francisco and elsewhere.

- As of this writing (August 2013) there are now approximately 145 law schools in the United States and Canada that have or continue to offer animal law courses.
- There are over 190 law school student chapters in the United States and internationally addressing animal abuse. This is a growth of over 120 chapters since 2006.<sup>3</sup>
- The American Bar Association (ABA), along with 26 state bar associations, 16 U.S. regional bar associations, and 2 international bar associations, now have animal law committees.
- Prosecutors in many jurisdictions have established task forces, many of which include human protection agencies, to work with a variety of local agencies to specifically address crimes against animals.
- Prosecutor offices are now creating animal abuse units or designating animal abuse prosecutors in an effort to recognize the seriousness and complexities of these cases that require a consistent approach and additional education.
- The number of states with felony-level animal cruelty laws has grown dramatically in the last decade to where all but South Dakota currently have some felony provision for harming animals.

Figure 2





## INTRODUCTION

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In our collective experience, we have found these to be some essential attributes for the successful investigation and prosecution of crimes against animals:

- (1) Providing clear information to the community about where animal abuse complaints can be filed;
- (2) A professional and immediate response to complaints of animal abuse by investigators;
- (3) A thorough investigation of the complaint, no matter how simple or severe the allegation;
- (4) Properly trained investigators on responding to and processing animal crime scenes;
- (5) Collaborative relationships with local veterinarians, shelter veterinarians and specialized forensic veterinarians;
- (6) A prosecuting attorney who understands the seriousness of animal abuse and treats the case as such when handling a busy case docket;
- (7) Understanding that a guilty plea, not a nolo contendere or no contest plea, or a guilty finding for offenders is essential to preventing escalation of violence and recidivism;
- (8) A prosecuting attorney who is trained in the nuances of animal abuse cases, including specialized pre-trial motions, civil bonding and forfeiture procedures, housing animal victims, and proper community response;
- (9) A judiciary who treats animal abuse cases for the seriousness that they represent to other violent crimes; and
- (10) Most importantly, a team response that works at the highest standards for animal victims, prosecute the offenders, treat and rehabilitate offenders, and contribute to overall community safety.

This monograph will serve as a guidebook to prosecutors, investigators, veterinarians, shelter staff, treatment providers, and other allied professionals who seek information on handling animal abuse cases.



## WHAT IS ANIMAL ABUSE?

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Dr. Frank Ascione, a pioneer in studying the abuse of animals, has defined animal abuse as “socially unacceptable, non-accidental behavior that causes unnecessary pain, suffering, distress and/or death to an animal.” In this definition, “socially unacceptable” reflects a societal belief that a person’s behavior requires correction. It does not reflect all harm committed by humans against animals.

One challenge for prosecutors in addressing the abuse of animals is that the term is used generically to describe a broad range of mistreatment, from a temporary lapse in providing proper care to the malicious torture or killing of an animal. Many state anti-cruelty laws still contain antiquated language, developed more than a century ago, emphasizing prohibition of “overdriving and overloading” of working animals. However, these laws continue to evolve, adding updated definitions and strengthening provisions on a regular basis.

There is little consistency amongst the states in defining animal abuse. And within a state, counties and cities often have their own animal abuse or animal control ordinance code. This presents law enforcement officials with the task of determining which acts against which creatures are to be addressed by these laws. Some states provide no definition of “animal,” leaving open to question which animals are protected. Other states specify which animals are included or excluded from protection. Laws generally and primarily protect companion animals, and leave other species unprotected (farm animals, rodents, wildlife, animals in research facilities). Since the kinds of animals that are included in or exempted from cruelty laws can change quickly, it is important to be familiar with the most current definitions used in your jurisdiction.

Just as states vary widely in their definition of “animal,” each state defines “cruelty to animals” in its own way. Some definitions are quite brief and non-specific, such as the Wisconsin law that declares that “No person may treat any animal, whether belonging to the person or another, in a cruel manner;”<sup>4</sup> however case law has given a definition.<sup>5</sup> Others incorporate a comprehensive collection of references to both antiquated and modern offenses, such as Connecticut’s single-sentence statute:

“Any person who overdrives, drives when overloaded, overworks, tortures, deprives of necessary sustenance, mutilates or cruelly beats or kills or unjustifiably injures any animal, or who, having impounded or confined any animal, fails to give such animal proper care or neglects to cage or restrain any such animal from doing injury to itself or to another animal or fails to supply any such animal with wholesome air, food and water, or unjustifiably administers any poisonous or noxious drug or substance to any domestic animal or unjustifiably exposes any such drug or substance, with intent that the same shall be taken by an animal, or causes it to be done, or, having charge or custody of any animal, inflicts cruelty upon it or fails to provide it with proper food, drink or protection

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4 Wisc. Stat. Ann. §951.02.

5 State v. Kuenzi, 332 Wis. 2d 297, 796 N.W.2d 222 (2011).

from the weather or abandons it or carries it or causes it to be carried in a cruel manner, or sets on foot, instigates, promotes or carries on or performs any act as assistant, umpire or principal in, or is a witness of, or in any way aids in or engages in the furtherance of, any fight between cocks or other birds, dogs or other animals, premeditated by any person owning, or having custody of, such birds or animals, or fights with or baits, harasses or worries any animal for the purpose of making it perform for amusement, diversion or exhibition, shall be fined not more than one thousand dollars or imprisoned not more than one year or both.”<sup>6</sup>

In addition to having unique definitions of “animal” and what constitutes animal abuse, most state animal abuse laws have specific exemptions for certain socially accepted practices, even when these practices might be seen as resulting in pain or death. Common exemptions include the practice of veterinary medicine, scientific research, generally acceptable livestock husbandry and slaughter, hunting, trapping, rodeos, pest control, and shelter animal euthanasia. Some states expressly exempt harming animals belonging to another from their statute when the defendant had permission from the animal’s owner to harm or kill it as long as those actions do not constitute “torture.”<sup>7</sup> Other states also exempt from protection animals that are stray or un-owned unless the maltreatment constitutes “torture.”

Several state laws include additional unusual exemptions. For example, Alabama’s code contains an exemption for “shooting a dog or cat with a BB gun for defecating/urinating on property,”<sup>8</sup> and Indiana’s code contains an exemption for “parking an animal.”<sup>9</sup> Louisiana’s code exempts “traditional rural Mardi Gras parades, processions or runs involving chickens.”<sup>10</sup>

In recent years there has been a significant movement in the passage of animal protection legislation to better define poorly written laws, enhance penalties and acknowledge the recent changes in the many ways in which animals may be harmed. Like all legislative action, the intent of creating stronger and clearer laws often takes a back seat to pressure from those powerful organizations and lobbies opposing the efforts. The end results are statutes that continue to remain unclear to both investigators and prosecutors

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6 Conn. Gen. Stat. §53-247.

7 Texas Penal Code §42.09.

8 Ala. Code § 13A-11-246.

9 Ind. Code §35-46-3-5(a)(14).

10 La. Rev. Stat. Ann. §14:102.1.



## WHY PEOPLE ARE CRUEL TO ANIMALS

There are many reasons why adults and children are cruel to animals; it should not always be seen as a result of uncontrolled anger. This is important to remember at the time of sentencing and to ensure that the court does not order “anger management” treatment alone. Some of the reasons why animals are abused include:

- Harming the animal to control people or the animal;
- Retaliation against the animal and others through extreme punishment;
- Prejudice against a breed as not being worthy of life;
- Aggression through the animal, such as animal fighting;
- Acting out aggression, such as target shooting;
- Shock for amusement;
- Displacement of aggression (sometimes from children acting out their own abuse); and
- Sadism, which involves inflicting suffering through power and control.<sup>11</sup>

And sometimes animals are abused as part of gratuitous violence. A 2012 study from New Zealand explored the reasons of why companion animals are harmed in intra-familial violence.<sup>12</sup> The study focused on animals abused during and after an abusive relationship and found these factors:

<b>Cruelty to animals during the abusive relationship</b>
Abusing animals as normalized violence while harming people
Perverse satisfaction from hurting pets, often pets not in the home, which was not anger related but often done to instill fear in the family
Abusing the animals as punishment for unwanted behavior from people
Abusing animals out of jealousy of the relationship between the animal and human victims
Abusing animals as a threat to keep the humans in the home and to show intolerance for misbehaving by people
Animals caught in the cross fire of violence towards people
Abusing animals to avoid police intervention (which was more likely to occur with human violence)
Animals used as sexual objects as a form of power and control over the human victims <sup>13</sup>

11 Eleanora Gullone, *Conceptualizing Animal Abuse with an Antisocial Behavior Framework*, in 1 *ANIMALS* 144-160 (2011), available at <http://nationallinkcoalition.org/wp-content/uploads/2013/01/AntisocialBehaviorGullone.pdf>; S.R. Kellert & A.R. Felthous, *Childhood cruelty toward animals among criminals and noncriminals*, 38 *HUMAN RELATIONS* 1113-1129 (1985).

12 M. Roguski, *Pets as Pawns: The Co-existence of Animal Cruelty and Family Violence*. (Auckland: Royal New Zealand Society for the Prevention of Cruelty to Animals, 2012), available at <https://womensrefuge.org.nz/users/Image/Downloads/PDFs/Pets%20as%20Pawns.pdf>.

13 “[P]articipants described it as the worse type of abuse that they had experienced as the perpetrator had robbed them of their own value system. With other forms of abuse they knew that the perpetrator was in the wrong. With bestiality they felt they had been forced or manipulated into being complicit in hurting a cherished animal.” Id. at vi.

<b>Cruelty to animals after the abusive relationship ended</b>
Threats to harm the animal(s) left behind
Actual harm to animals left behind as punishment for the person leaving
Harm to the animals of friends and family out of retaliation for the person leaving

Children are abusive to animals for a variety of reasons including:

- curiosity or exploration;
- peer pressure;
- to threaten or intimidate others to gain power and control;
- sexual gratification;
- to prevent someone else from harming their pet;
- acting out the abuse they have suffered;
- rehearsing their own suicide;
- seeking to shock or offend others to draw attention to themselves; and
- as a way of producing injury to themselves, analogous to “cutting.”

It is usually not difficult to identify those acts of animal cruelty which are potentially the most serious and which might indicate the greatest need for a response that provides the best protection of the community. The community itself will often demonstrate its desire for aggressive action in response to serious cases of animal cruelty, even when committed by youthful offenders. However, there are certain characteristics of acts of animal cruelty which are indicative of a need for greater concern.

Figure 3 lists the elements of animal cruelty cases most often associated with risk of other interpersonal crimes. This list is based on retrospective studies of acts of cruelty against animals reported by incarcerated violent offenders, reports of acts of animal cruelty committed prior to or in association with child abuse or domestic violence, and extrapolation from criteria used in threat assessment by the National Center for the Analysis of Violent Crime. There are some formal diversion programs available for juvenile or adult animal cruelty offenders and limited programs specifically addressing the mental health needs of such offenders. Most agencies make an attempt to address even serious animal neglect cases through education and assistance with resources. Cases that can be resolved through education should not be advanced for prosecution. Those that involve chronic repeated animal neglect or violent or intentional acts of cruelty should not be considered candidates for diversion.

Figure 3

### Factors in the Assessment of Dangerousness in Perpetrators of Animal Cruelty

1. Victim vulnerability — e.g. size, age, level of harmlessness/aggressiveness
2. Number of victims involved
3. Number of instances within a limited time frame
4. Severity of injury inflicted
5. Repetition of injuries on individual victim(s) — e.g. multiple wounds
6. Multiple forms of injury to individual victim(s) — e.g. stabbing and burning
7. Intimacy of infliction of injury — e.g., direct physical contact or restraint
8. Victim was bound or otherwise physically incapacitated
9. Use of fire
10. Duration of abuse — how prolonged was the act of abuse/torture
11. Degree of pre-planning or premeditation
12. Act involved overcoming obstacles to initiate or complete the abuse
13. Act was committed with high risk of detection or observation
14. Other illegal acts were committed at the scene of the animal cruelty — e.g., threats, vandalism
15. Individual was the instigator of an act involving multiple perpetrators
16. Animal cruelty was used to threaten, intimidate or coerce a human victim
17. Act of animal cruelty was indicative of hypersensitivity to real or perceived threats or slights
18. Absence of economic motive — e.g., killing and stealing animal for food
19. Past history of positive interactions with victim
20. Animal victim was subjected to mutilation or postmortem dismemberment
21. Animal victim was sexually assaulted or mutilated in genital areas or perpetrator indicated sexual arousal as a consequence of the abuse
22. Act of cruelty was accompanied by indicators of sexual symbolism associated with the victim
23. Perpetrator projected human characteristics onto victim — e.g., rehearsal of future acts against humans
24. Perpetrator documented the act of animal abuse through photographs, video or audio recording, or diary entries
25. Perpetrator returned at least once to scene of the abuse, to relive the experience
26. Perpetrator left messages or threats in association with the act of cruelty
27. Animal victim was posed or otherwise displayed
28. Animal cruelty was accompanied by ritualistic or “satanic” actions
29. Act of abuse involved staging or reenactment of themes from media or fantasy sources
30. Perpetrator reportedly experienced altered consciousness during the violent act — e.g., blackout
31. Perpetrator reportedly experienced strong positive affective changes during the violence act — e.g., laughter, “rush,” sexual excitement
32. Perpetrator lacks insight into cause or motivation of the animal abuse
33. Perpetrator sees himself as the victim in this event and/or projects blame onto others including the animal victim

A detailed discussion of this list can be found at <http://coloradolinkproject.com/dangerousness-factors-2/>.





## ANIMAL CRUELTY LAWS: PAST AND PRESENT

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Protecting animals from unnecessary pain and suffering has been a component of many societies throughout history. The earliest printed legal code in America, “The Body of Liberties” established by the Puritans of the Massachusetts Bay Colony in 1641, included among the 100 “liberties” two provisions protecting animals:

“92. No man shall exercise any Tirrany or Crueltie towards any brute Creature which are usuallie kept for man’s use.”

“93. If any man shall have occasion to leade or drive Cattel from place to place that is far of, so that they be weary, or hungry, or fall sick, or lambe, It shall be lawful to rest or refresh them for a competent time, in any place that is not Corne, meadow, or inclosed for some peculiar use.”

The first American law that moved away from these limitations was in Maine (1821), prohibiting cruelly beating any horse or cattle—regardless of ownership. This was the earliest indication of a law addressing concern for the welfare of the animal itself. However, there was no system or organization established to enforce this law.

In the past decade, there have been a number of changes to animal abuse laws in the United States, thus raising more awareness for the need to protect animals from harm and hold offenders responsible. As of 2013:

- all states, except for South Dakota, have felony laws for severe cruelty to animals;
- all states have laws that prohibit neglect of animals;
- all states have felony laws that prohibit dog fighting; and
- all states have felony laws that prohibit cock fighting, except for Alabama, Hawaii, Kentucky, Mississippi, Ohio, South Carolina, South Dakota, Tennessee, Utah, and West Virginia. California, Louisiana and New Mexico only have felony penalties for the second offense.

Beginning in 2006, states began to include pets in domestic violence protection orders. As of 2013, 22 states and Puerto Rico have passed “pet protective order” laws.<sup>14</sup> And some states, such as Colorado, are beginning to define animal abuse as a form of domestic violence for purposes of domestic violence penalty enhancement.<sup>15</sup>

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14 Arizona, Arkansas, California, Colorado, Connecticut, Hawaii, Illinois, Louisiana, Maine, Maryland, Minnesota, Nevada, New Jersey, New York, North Carolina, Oklahoma, Oregon, Tennessee, Texas, Vermont, Washington, West Virginia and Puerto Rico.

15 Colo. Rev. Stat. §18-6-800.3 (1) states, “Domestic violence” also includes any other crime against a person, or against property, including an animal, or any municipal ordinance violation against a person, or against property, including an animal, when used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship. Arizona, Indiana, Maine, Nebraska, Nevada, and Tennessee have also passed a similar law.

In spite of these advances in the laws for animals, there is still significant room for improvement of animal abuse laws across the United States. Many laws are ill-defined leaving investigators and prosecutors uncertain of whether conduct rises to the level of a crime. Thus, far too many cases of abuse continue to go unaddressed. And laws are woefully inadequate when it comes to the protection of farm animals (for abuses during the farming process or from intentional harm by outsiders), to animals in research facilities, to wildlife, stray and feral animals. As discussed in our June 2013 *Tales of Justice Newsletter* entitled “Hierarchy of Animal Protection Laws: Prosecuting the Abuse of Stray and Feral Cats,”<sup>16</sup> our laws select which animal species shall be afforded protection under the law, while leaving out others. This can also cause difficulties for investigators and prosecutors who uncover an offender who is intentionally harming and/or torturing animals of a species not protected by law.

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<sup>16</sup> Allie Phillips, *Hierarchy of Animal Protection Laws: Prosecuting the Abuse of Stray and Feral Cats*, *TALES OF JUSTICE* 3(3) (2013), available at <http://www.ndaa.org/pdf/Tales%20of%20Justice%20vol%203%20no%203.pdf>.

## WHY IT IS IMPORTANT TO TAKE ANIMAL ABUSE SERIOUSLY: THE LINK

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### *Cruelty to Animals is a Crime*

The prevention of unnecessary animal suffering has been at the core of laws in Western society for centuries. Legislatures and municipalities have responded to the interests of citizens by increasing the penalties for egregious acts of cruelty and providing better resources for the investigation and prosecution of these crimes. In response to such public interest, some prosecutor offices have created animal abuse units or designated animal abuse prosecutors. Some jurisdictions have joined together to create task forces to specifically address concerns about animal fighting and animal cruelty crimes.<sup>17</sup> Training on the investigation of and response to crimes against animals is increasingly being included in standard police training.

Opinion surveys of representative samples of the U.S. population show that a large percentage of the population views the enforcement of animal abuse laws as an important priority. A 2011 report from the Humane Research Council outlined that 91% of Americans view the protection of companion animals as important.<sup>18</sup> The following four charts come from the Humane Research Council's longitudinal *Animal Tracker* study (2008-2013).<sup>19</sup>

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17 Visit the National Link Coalition website at <http://nationallinkcoalition.org/link-coalitions> for a listing of animal abuse task forces, all of which include human protection agencies.

18 *Humane Trends* (2011), available at <http://www.humanetrends.org/summary/>.

19 Use permission granted from Humane Research Council, available at <http://www.humaneresearch.org/content/collaborative-research-studies/>.

## Investigating & Prosecuting Animal Abuse

Figure 4 shows us that animal protection is equally important as the top social cause or political movement in the United States. Animal protection continues to be a “hot button” topic and with national news and social media sites publishing more stories and footage of animal abuse, it continues to raise awareness and the ire of people who are intolerant of animals being harmed.

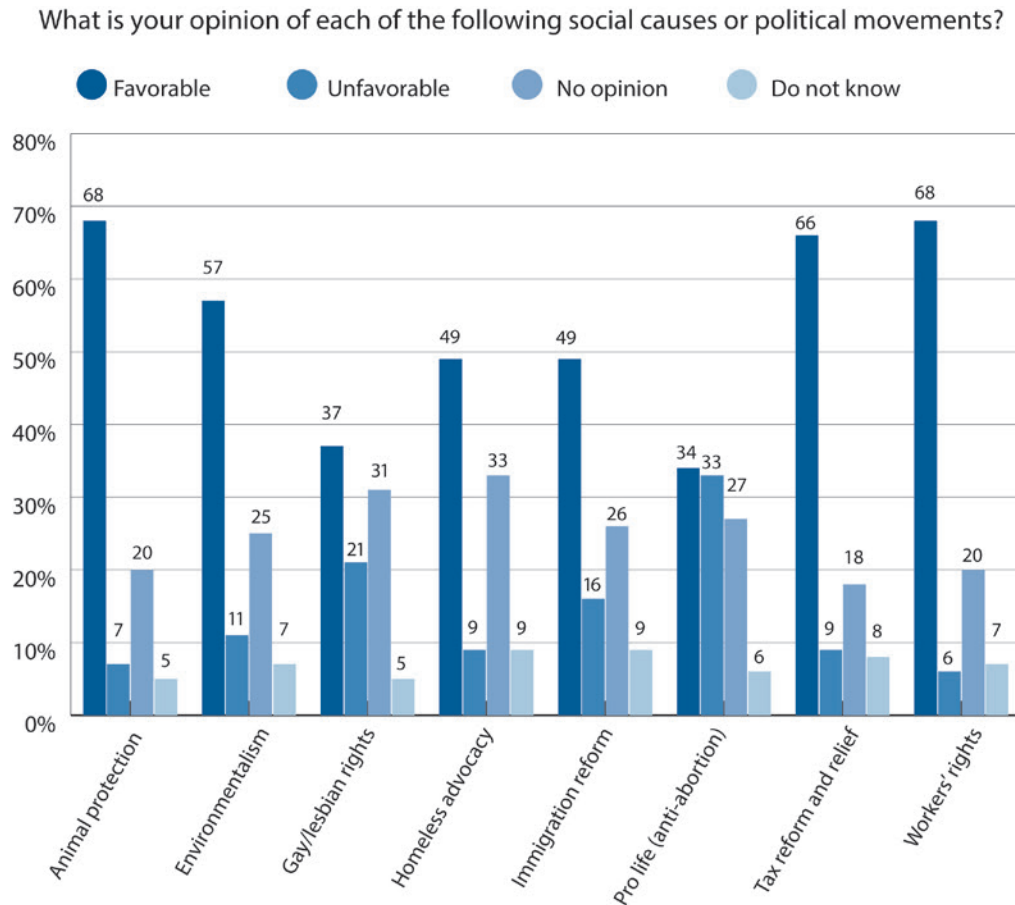


Figure 4: From the Humane Research Council (2012)



## WHY IT IS IMPORTANT TO TAKE ANIMAL ABUSE SERIOUSLY: THE LINK

Figure 5 tells us what Americans are most concerned about when it comes to harming animals. Although some of the options listed in Chart B will not fall into the purview of state and local laws, it is important for prosecutors and investigators to be aware of how communities are less tolerant of many forms of “legally sanctioned” activities that can harm animals. This could be important when selecting a jury.

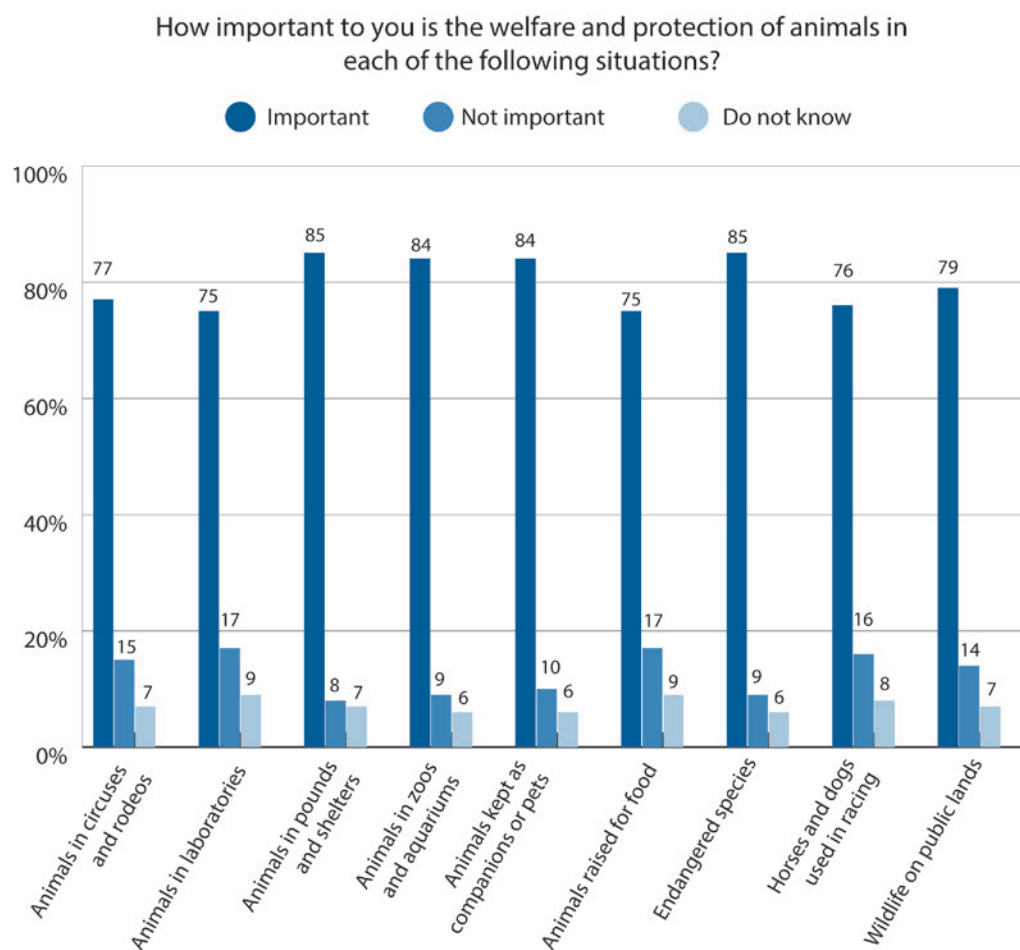


Figure 5: From the Humane Research Council (2012)

## Investigating & Prosecuting Animal Abuse

Figure 6 identifies the tactics that Americans support when it comes to uncovering animal abuse. Anti-cruelty investigations continue to be the most approved tactic that is supported by communities. One tactic not listed is that of private undercover investigations by animal protection organizations (with or without law enforcement's knowledge and/or assistance). This is often due to frustrations within communities from the lack of responsiveness to investigating complaints of animal abuse and obtaining critical undercover photos and videotapes. There has been a significant push back from certain business enterprises (such as agriculture) to lobby for the passage of laws that would prohibit the private videotaping of how animals are treated (i.e., Ag-gag bills), although in 2013 all eleven such bills introduced in state legislatures were defeated. It is important for prosecutors and law enforcement to understand a level of frustration in some communities over lack of enforcement and it is an opportunity to educate communities on the limitations of your state and local laws that, in turn, allow for changes in the law while avoiding backlash against your office.

In general, how much do you support or oppose each of the following tactics?

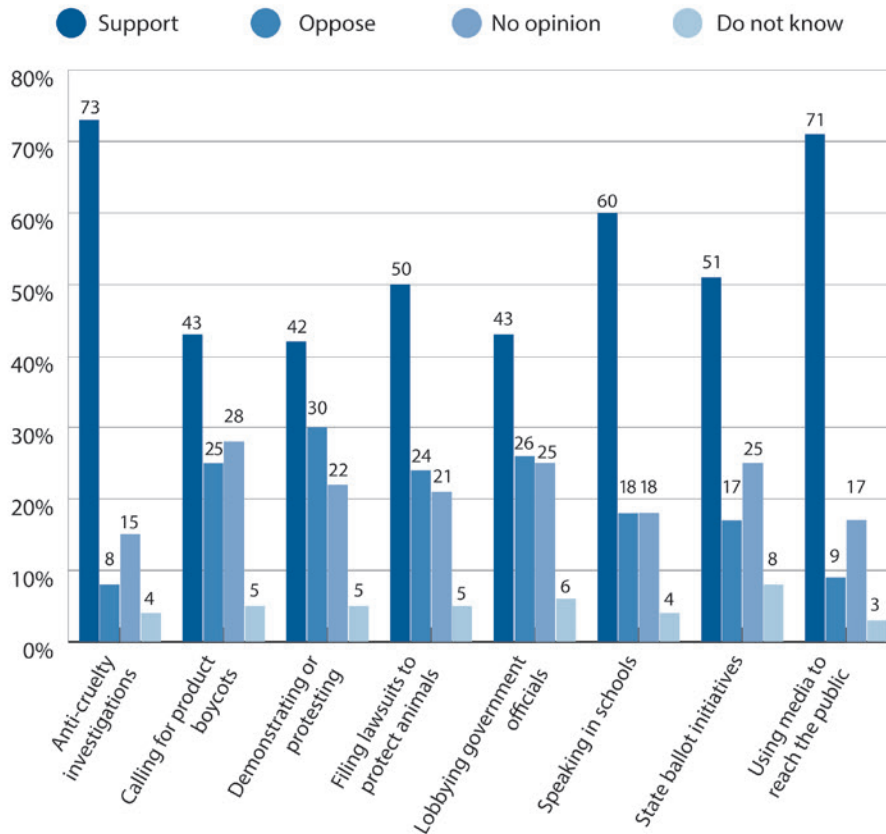


Figure 6: From the Humane Research Council (2011)

## WHY IT IS IMPORTANT TO TAKE ANIMAL ABUSE SERIOUSLY: THE LINK

Figure 7 demonstrates that 68% of those surveyed in this longitudinal study support the animal protection movement. Again, this demonstrates how animal protection is an important issue for Americans and may be helpful in identifying jurors who consider protecting animals from harm to be an appropriate role for the state.

Do you personally support or oppose the animal protection movement's goal to minimize and eventually eliminate all forms of animal cruelty and suffering?

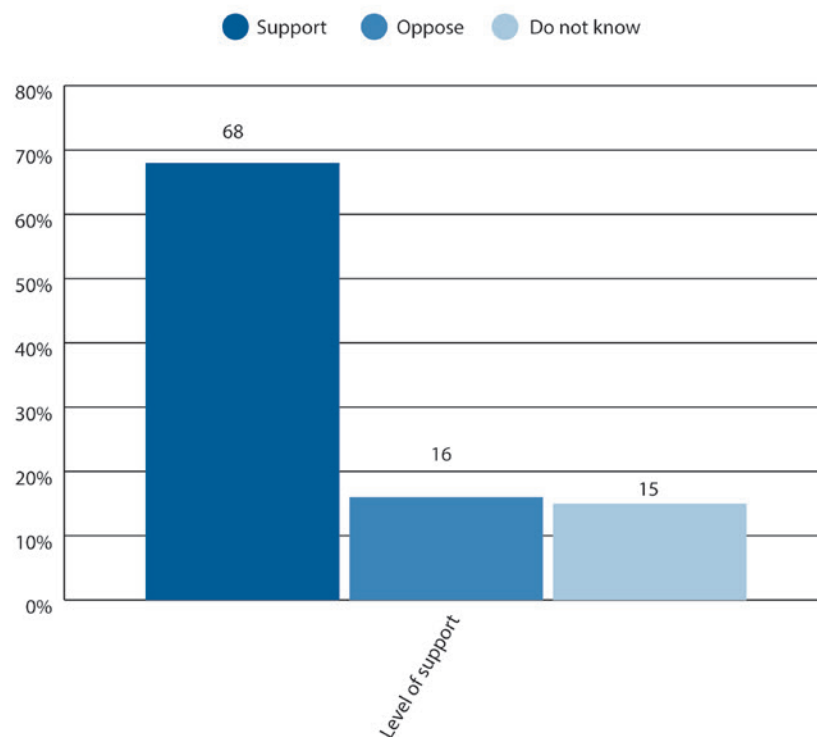


Figure 7: From the Humane Research Council (2013)

### *Cruelty to Animals Can Be a Predictor Crime*

An impressive collection of literature substantiates the common sense knowledge that those who have a history of repeated acts of intentional violence towards animals are at higher risk for exhibiting similar violence or lawlessness towards people in the future.

Studies have told us that (1) adults maltreating animals present a risk of abuse to children; (2) childhood violence towards animals **may** be predictive of future violent behavior and psychopathology; (3) batterers may target and maltreat animals as a way of threatening, coercing, silencing or intimidating their human victims; (4) families may delay or refuse to leave an abusive home out of fear for the pets; and (5) the co-occurrence of multiple forms of violence increases future violence.<sup>20</sup>

20 Hackett & Uprichard, *Animal Abuse and Child Maltreatment: A review of literature and findings from a UK study*, NATIONAL SOCIETY FOR THE PREVENTION OF CRUELTY TO CHILDREN (2007).

Several studies have shown that animal abusers are important to monitor because of their increased likelihood in continued and increasing violence towards animals and people. “Batterers who also abuse their pets are both more controlling and use more dangerous forms of violence [sexual violence, marital rape, emotional violence and stalking] than batterers who do not.”<sup>21</sup> So brushing off an animal abuse case as “unimportant” is a mistake because a proper response can reduce recidivism.

People who hoard animals and have children are likely to abuse or neglect their children. It is common sense that if a person keeps a dog chained up outside without proper food, water and/or shelter and allows the dog to live with chronic neglect, then they are more likely to allow their children to be neglected.

Animal abuse has been linked to the commission of other crimes, including:

- child physical abuse;
- child sexual abuse (including a correlation to bestiality or sexual assaults of animals);<sup>22</sup>
- child neglect (including a correlation to animal hoarding);
- intimate partner violence;
- elder abuse;<sup>23</sup>
- assault; and
- sexual assault.

Animal fighting enterprises often have a host of other crimes co-occurring and, as a result, are now deemed as racketeering offenses (RICO) by some states.<sup>24</sup> Other crimes related to animal fighting include:

- gambling;
- weapon offenses;
- drug offenses;
- sexual assault;
- simple and serious assault;
- prostitution and human trafficking;
- children exposed to violence; and
- the intentional harm and torture of the animal victims.

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21 C.A. Simmons & P. Lehmann, *Exploring the link between pet abuse and controlling behaviors in violent relationships*, 22(9) JOURNAL OF INTERPERSONAL VIOLENCE 1211-1222 (2007).

22 C. Hensley, S.E. Tallichet & S.D. Singer, *Exploring the possible link between childhood and adolescent bestiality and interpersonal violence*, 21 JOURNAL OF INTERPERSONAL VIOLENCE 910-923 (2006); D.A. Simons, S.K. Wurtele & R.L. Durham, *Developmental experiences of child sexual abusers and rapists*, 32 CHILD ABUSE & NEGLECT 549-560 (2008).

23 Peak, Ascione & Doney, 2012. *Adult Protective Services and Animal Welfare: Should Animal Abuse and Neglect Be Assessed During Adult Protective Services Screening?* 24(1) JOURNAL OF ELDER ABUSE AND NEGLECT (2012); Barbara Boat & Juliette Knight, *Experiences and Needs of Adult Protective Services Case Managers When Assisting Clients Who have Companion Animals*, 12(3/4) JOURNAL OF ELDER ABUSE AND NEGLECT 145-155 (2000); R. Lockwood, *Making the connection between animal cruelty and abuse and neglect of vulnerable adults*, 23(1) THE LATHAM LETTER 10-11 (2002).

24 These states have included animal fighting in their state racketeering and criminal enterprise laws as of 2013: Florida (Fla. Stat. §895.02), Illinois (720 Ill. Comp. Stat. 5/33G-3), Michigan (Mich. Comp. Laws §750.159g), Oregon (Or. Rev. Stat. §166.715), Utah (Utah Code Ann. §76-10-1602) and Virginia (VA. Code Ann. §18.2-513).

## WHY IT IS IMPORTANT TO TAKE ANIMAL ABUSE SERIOUSLY: THE LINK

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Animal abuse is also related to other serious offenses, such as bullying,<sup>25</sup> arson and fire setting by youth<sup>26</sup> and homicide.

### *Cruelty to Animals Can Be an Indicator Crime*

A large and growing body of research has documented the co-occurrence of animal cruelty and interpersonal violence, particularly domestic violence, child abuse and elder abuse. Paying attention to the victimization of animals can often lead to the discovery of people who have been harmed by the same perpetrator, or who are at high risk of being harmed. Animal abuse investigators and humane law enforcement agents are now seen as important sentinels for detecting many forms of abuse, and in some states are key mandated reporters of suspected child and elder abuse.

A 2009 study of 860 college students looked at the link between animal abuse, child abuse and domestic violence. It was found that half of the students had experienced at least one form of violence in the home when growing up. Of interest is that individuals who **witnessed** animal cruelty were 8.14 times more likely to become a perpetrator.<sup>27</sup> This is consistent with other studies that have shown that the mere witnessing of animal abuse may increase the likelihood of violent offending against people and animals by that witness.<sup>28</sup> This is particularly significant for children who grow up in violent homes and witness animals abuse. Treatment for these children is needed to stop the cycle of violence in their lives.

Serious animal neglect can also point to a variety of other problems that should be addressed. Cliché but true ... if someone cannot care for a companion animal, they are not in a position to properly care for a child or family member. Through television shows like “Hoarders,” much attention has been given to the problem of “animal hoarding,” the accumulation of large numbers of animals in extremely unsanitary conditions, often resulting in the death of many animals and potentially serious health consequences for the people who are living with them. Although animal hoarders are unlikely to be involved in serious interpersonal crimes, they are often in need of social and/or mental health services. In many cases, individuals charged with animal abuse and neglect in hoarding situations have been found to have children or dependent adults living in the same squalor conditions as the animals that are suffering. Social service interventions and long-term monitoring in these cases are more effective when they are mandated as part of the adjudication of an animal abuse case.<sup>29</sup>

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25 Gullone (2011); Gullone & Robertson, *The relationship between bullying and animal cruelty behaviours in Australian adolescents*, 29 JOURNAL OF APPLIED DEVELOPMENTAL PSYCHOLOGY 371-79 (2008); A. Arluke, J. Levin, C. Luke & F.R. Ascione, F.R., *The relationship of animal abuse to violence and other forms of antisocial behavior*, 14(9) JOURNAL OF INTERPERSONAL VIOLENCE 963-975 (1999); K.S. Miller & J.F. Knutson, J.F., *Reports of severe physical punishment and exposure to animal cruelty by inmates convicted of felonies and by university students*, 21(1) CHILD ABUSE & NEGLECT 59-82 (1997).

26 D. Kolko (Ed.). HANDBOOK ON FIRESETTING IN CHILDREN AND YOUTH. (San Diego, CA: Academic Press.Kolko, 2002).

27 S. DeGue & D. DeLillo, *Is Animal Cruelty a “Red Flag” for Family Violence? Investigating Co-Occuring Violence Toward Children, Partners and Pets*, 24(6) JOURNAL OF INTERPERSONAL VIOLENCE 1036-1056 (2009).

28 A.C. Baldry, *Animal abuse among preadolescents directly and indirectly victimized at school and at home*, 15 CRIMINAL BEHAVIOUR AND MENTAL HEALTH 97-110 (2005).

29 A review of case outcomes in serious hoarding neglect cases is provided by C. Berry, G. Patronek and R. Lockwood, *Long-Term Outcomes in Animal Hoarding Cases*, 11 ANIMAL LAW 167 (2005).

When a human harms an animal, this is a strong ***predictor and indicator*** that additional animal and human victims may be next. Taking animal abuse seriously can help investigators and prosecutors create safer communities through early intervention of those who harm animals.

### *Cruelty to Animals Destabilizes Communities*

With the growth of social media, people and communities can connect across the globe. Publicity involving crimes towards animals has resulted in greater transparency and more pressure on investigators and prosecutors. Law enforcement officials often express surprise at the intense reactions of communities to incidents of animal abuse. High-profile cases involving animal victims often result in substantial offers of rewards of hundreds or even thousands of dollars and citizens demanding that local officials take action. Many people see animals as truly innocent victims, so their victimization may be more disturbing than person-on-person crimes in which parties may be seen as sharing some responsibility.

No longer can communities ignore crimes toward animals. Crimes involving animal abuse can be seen as a classic example of “broken window” crimes, i.e., relatively “low-level” offenses that authorities may overlook, yet may be considered by members of the community as a sign that no one cares about violence and decay in their neighborhood. Effective enforcement of animal abuse laws is increasingly seen as an important component of community-oriented policing.

Animal fighting seems to penetrate all communities; urban and rural. Chicago’s Anti-Cruelty Society conducted written surveys with 37,702 students in grades K-12 between 2003 and 2006 to determine the extent of children attending and witnessing animal fighting. The surveys were administered at over 1,500 schools, summer camps, and other venues. Figure 8 shows the shocking results.<sup>30</sup> When children are witnessing animal abuse, especially animal fighting, it desensitizes them to harm and lowers empathy.

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<sup>30</sup> S. Cleveland, *Dog fighting and youth: Effects, consequences, and tools for intervention* (2006). Presentation at 2006 American Humane Annual Conference, Schaumburg, IL, Sept. 28-30. Study also discussed at <http://www.dnainfo.com/chicago/20121126/englewood/dogfighting-is-fact-of-life-for-many-chicago-kids#ixzz2DSgtQbfO>.



## WHY IT IS IMPORTANT TO TAKE ANIMAL ABUSE SERIOUSLY: THE LINK

Figure 8

	CITY OF CHICAGO	SUBURBS	TOTAL
No. of students surveyed:	35,815	1,887	37,702
No. who have attended dogfights	2,362 (6.6%)	323 (17.1%)	2,685 (7.1%)
No. aware of dog fights in the neighborhood	5,187 (14.4%)	623 (33%)	5,810 (15.4%)
No. who have attended cockfights	359 (1%)	93 (4.9%)	452 (1.2%)
No. of families entering dogfights	163	13	176
No. aware of serious dog bites	10,647 (29.7%)	636 (33.7%)	11,283 (29.9%)



## TYPES OF ANIMAL ABUSE

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### **Simple Neglect**

Most reported cases of animal abuse involve (1) failure to provide adequate food, water, shelter and/or sanitary environment, or (2) failure to provide veterinary care to one or more animals, including emergency veterinary care to an injured or suffering animal. Usually these situations are handled by local animal care and control or humane agencies in an effort to educate the offender to provide proper care. These situations may often involve individuals who are financially struggling (and, therefore, not intending to cruelly place their animal in harm's way) or an elderly person who is physically or financially struggling to care for their pet (which may be their best friend and only family member). Education is an important first step in these situations. If education and assistance from local resources proves ineffective, action may be taken under local ordinances or state law. However, cases involving large numbers of animals or which cause death or serious debilitation of animals may be charged as serious misdemeanor or even felony offenses.

### **Abandonment**

This occurs most often when the owner moves out of their home leaving the animal(s) behind. This happened with great frequency during the economic down-turn from 2007-2009 which coined the term "foreclosure pets" when homes were being foreclosed at record rates and animals were perishing inside the dwellings. These animals are typically abandoned inside of the home without sufficient food or water, or abandoned outdoors with insufficient survival skills. Many local ordinances are weak when it comes to investigating and prosecuting animal abandonment, leaving confusion as to what action can be taken and when seizure of the animal can occur. Most jurisdictions have stray dog laws or ordinances which allow for the quick seizure of those animals; however, there are very few stray cat laws, thus leaving cats unprotected by the law. This leaves far too many investigators and prosecutors to misunderstand or misinterpret the law resulting in failed or delayed action. These cases are rarely prosecuted, yet are the most common form of animal abuse.

### **Severe Neglect**

A growing number of states make a distinction between simply failing to take adequate care of animals and intentionally or knowingly withholding food or water needed to prevent dehydration or starvation. Although some states fail to recognize neglect as meeting the level of intentional cruelty, others treat any act, omission or neglect that results in unnecessary or unjustifiable suffering as a potentially serious offense. Community standards for what is considered to be a reasonable level of care for companion animals have been rising steadily in recent years as veterinary and humane professionals have provided extensive information on proper responsible pet care. These situations typically involve hoarding, commercial breeding establishments (i.e., puppy mills), and animals in hot vehicles.

#### *Hoarding*

Animal care and control and law enforcement agencies are reporting a growing number of cases that involve large numbers of animals (sometimes several hundred) kept under extremely

poor conditions, often resulting in the death of many animals from disease and starvation. Communities and neighbors are now more aware of the horrors of hoarding and are on alert. Such cases present substantial challenges for prosecutors due to the large number of animals involved, the possible mental health issues surrounding the defendant(s) and the extremely high recidivism rate seen with this particular offense. At this time, therapeutic intervention for hoarders is difficult to enforce and is frequently unsuccessful. Constant oversight and monitoring through a coordinated effort of probation, social services, animal care and control, housing authorities and others is the best means to prevent recidivism.

Three types of hoarding have been identified, each requiring a different type of treatment.

- (1) The Overwhelmed Caregiver: This is an individual who may have unsterilized animals who breed and produce more off-spring than the individual can handle. This is usually due to a change in circumstances (loss of employment, loss of marriage, physical disability), and what may start off as two animals can quickly turn into hundreds. Early on the animals may receive appropriate food, water, shelter and veterinary care, but as the numbers climb the individual is overwhelmed financially with the responsibility. These individuals recognize the dire situation and are more likely to work with local officials, to spay and neuter the animals with assistance, to place the animals in new homes or with animal rescue organizations, and are more compliant with non-court ordered treatment. These individuals often do not require prosecution or court intervention and will work effectively with animal care and control or law enforcement officials.
- (2) The Rescue Hoarder: This is an individual who may be involved in animal rescue, or lives in area where s/he finds many animals requiring assistance. These individuals may approach the situation with the best of intentions but often believe that no one can care for the animals as well as they can. They fear the euthanasia of animals and cannot say no to helping “just one more”. So even when approached with offers to place the animals in new homes or with rescue groups, these individuals become deceptive, lie and obfuscate the process out of the belief that the animals will suffer if they leave. In recent years, we have seen a rise in incidents where animal rescue organizations have been criminally prosecuted for animal hoarding. Those situations fall into this category. This individual is more difficult to work with and may require prosecution and court intervention, including the oversight of a probation officer or social worker to insure that the number of animals possessed by this person remains at a safe level.
- (3) The Exploitive Hoarder: This individual is the most difficult to work with and will require prosecution and court intervention. They acquire animals solely for their own personal reasons, often as a means of soliciting funds from the public by misrepresenting the quality of care they are providing. They may fail to care for the animals because they lack empathy and often have sociopathic tendencies. They have no guilt for the squalor and suffering of the animals and are resistant to help. This person will require constant and vigilant oversight to ensure that they do not re-accumulate animals.

The prosecution of animal hoarding cases can sometimes be unpopular if the defendant is elderly, or seen as sympathetic and caring, rather than as someone who has caused substantial suffering to a large number of animals. Responding to the community and selecting a fair jury can be tricky.

## TYPES OF ANIMAL ABUSE

Animal care and control, veterinarians, and prosecutors can be extremely helpful in educating the public and the triers of fact to the real impact of these actions on the animals involved. Although most prosecuted animal hoarding cases result in convictions or pleas, these cases are notoriously difficult to resolve. Hoarders who are required to make restitution for veterinary costs rarely comply. Those who are ordered to undergo psychological assessment and/or treatment also generally fail to comply.<sup>31</sup> And without vigilant oversight, hoarders will re-accumulate animals.

Many agencies have begun to promote a community-based task force approach to respond to hoarding situations.<sup>32</sup> Such groups involve representatives of all stakeholders in the community, including law enforcement, human health and social services, public health, zoning, code enforcement, and animal protection groups to bring a coordinated effort to these cases. Conviction on animal abuse charges and probation that allows long-term monitoring can be important tools for such task forces for preventing recidivism of hoarding. As with other forms of animal abuse, legislators are recognizing that animal hoarding is not a harmless eccentricity, but a potentially serious problem that takes a toll on animals, people and the community as a whole. States are now beginning to pass hoarding specific laws to address this serious concern.

When responding to a hoarding complaint, it is important for investigators and prosecutors to call upon local, state and/or national animal protection organizations for assistance in seizing, assessing and caring for the animals until they can be forfeited and re-homed. These can be costly cases, but the assistance of these organizations and their ability to mobilize a community to assist with financial donations and foster placement will be tremendously helpful during the pendency of the case.

For a detailed discussion and study on animal hoarding, we recommend *Animal Hoarding: Structuring interdisciplinary response to help people, animals and communities at risk*.<sup>33</sup>

### Investigative Checklist for Hoarding Cases

- ✓ Photographs/video showing the conditions observed when first entering the property.
- ✓ Photographs/video of each animal as found and removed from crates documenting any medical conditions. Also note condition of nails, fur, teeth.
- ✓ Photographs/video of the animals as they respond to medical treatment.
- ✓ Seize and/or take samples of crates, furniture cushions, and rugs to preserve the odor and squalor.

*Continued*

31 Berry, *supra* note 3.

32 Animal Hoarding: Structuring Interdisciplinary Responses to Help People, Animals and Communities at Risk. (Gary J. Patronek, Lynn Loar & J. N. Nathanson, J.N., eds., Hoarding of Animals Research Consortium, 2006), available at <http://vet.tufts.edu/hoarding/pubs/AngellReport.pdf>. Also check out Victoria Hayes, *A Detailed Discussion of Animal Hoarding* (2010), available at <http://animallaw.info/articles/ddushoarding.htm#s113> and <http://www.aspca.org/fight-cruelty/humane-law-enforcement/aspca-cruelty-intervention-advocacy-program>.

33 *Id.*

## Investigating & Prosecuting Animal Abuse

- ✓ Place the white, clean towel at the door and collect it and preserve it. The odor will be present.
- ✓ Photograph and seize food and water bowls.
- ✓ Seize items that have been urinated on, such as lamp shades and chair cushions.
- ✓ Obtain all records concerning animal ownership, medical care, and food bills.
- ✓ In cases where the hoarder is actually a rescue agency and is selling the animals, obtain a search warrant for all financial records for every animal placement, including all bills, documents, medical records, and records showing where these animals were obtained. Take and search all computers and electronic devices. Assess whether you have a tax fraud case.
- ✓ Obtain property ownership information.
- ✓ Are there rodents present? If any are dead, take them for analysis. If the perpetrators were using rat poison to kill the rodent population, some of the animals may have ingested that poison.
- ✓ Seize all medications found, especially veterinary medications.
- ✓ Take all animals, alive or deceased, including any offspring from animals who are pregnant, and incorporate into the search warrant.

*Thank you to Sandy Sylvester, Prince William Assistant Commonwealth Attorney (Virginia), for supplying this checklist.*

### *Commercial breeders (puppy mills)*

“Puppy mill” cases, like hoarding, come with a host of challenges that investigators and prosecutors must be prepared to handle. As awareness about mass breeding of animals increases throughout the United States, so do the number of complaints, investigations and prosecutions of those involved. Puppy mills involve dogs being bred and housed in cramped cages, often with multiple animals in a small space. These dogs mature with a host of physical and behavioral issues and often receive insufficient food and water, little veterinary care, and little or no socialization. The females are repeatedly impregnated causing the over-breeding of certain breeds which can result in dogs with significant physical issues. These animals are then typically sold at auctions or through pet stores.

To address the growing concern about puppy mills, states have begun to pass “puppy lemon” laws that allow for purchasers to receive a refund of money paid for the dog, including recoupment of veterinary expenses. Twenty-two states have puppy lemon laws as of 2012.<sup>34</sup> It is important for

<sup>34</sup> Arizona (Ariz. Rev. Stat. §44-1799.05); Arkansas (Ark. Code Ann. §4-97-105(b)(1)); California (CA Health & Safety §122070); Connecticut (Conn. Gen. Stat. Ann. §22-344b-344d); Delaware (6 Del. Code Ann. §4005); Florida (Fla. Stat. §828.29); Maine (7 Me. Rev. Stat. Ann. §4155-4156); Maryland (Md. Bus. Reg. §19-705(b)(1)); Massachusetts (33 CMR 12.05); Michigan (Mich. Comp. Laws Ann. §287.335a); Minnesota (Minn. Stat. Ann. §325F.791); Nebraska (Neb. Rev. Stat. § 54-647(2)); Nevada (Nev. Rev. Stat. §574.490); New Hampshire (N.H. Rev. Stat. §437.10); New Jersey (N.J. Stat. Ann. §56.8.95); New York (N.Y. Gen. Bus §753); Oregon (Or. Rev. Stat. §646A.077); Pennsylvania (73 Pa. Stat. Ann. §201-9.3); Rhode Island (R.I. Gen. Laws §4-25-5); South Carolina (S.C. Code Ann. §47-13-160); Vermont (Vt. Stat. Ann. 20 §4301-4304); and Virginia (Va. Code Ann. §3.2-6514). See a compendium of these statutes at <http://animallaw.info/articles/State%20Tables/tbuspetprotectionlaws.htm>.



## TYPES OF ANIMAL ABUSE

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prosecutors to not push these cases with documented evidence of animal injury, pain and suffering into the civil court system under the puppy lemon laws because it will allow the puppy mill owners to continue their cruel business. Criminally, puppy mill owners can be prosecuted for a variety of crimes including intentional animal abuse, animal neglect, tax evasion, and so on.<sup>35</sup>

### *Animals in Hot Vehicles*

When people leave animals in vehicles during hot weather, death can result in as quickly as a few minutes, and if the animal lives they can suffer from a host of life-long physical issues. These can be challenging cases to prosecute because many times the owner was uneducated of the dangers of how quickly a car can become an oven in hot temperatures. These individuals may have remorse and did not have cruel intent. They can be sympathetic defendants. It is important for prosecutors to work together with their animal care and control and law enforcement agencies in public service campaigns to prevent deaths of animals in hot vehicles and to educate about the criminal penalties. This is one instance where prosecutors should be involved in a proactive prevention approach. For a chart of state laws addressing animals left in parked vehicles, please visit the Michigan State University Animal Legal & Historical Center website.<sup>36</sup>

Other situations involving animals in hot vehicles involves the transport of farm animals and livestock,<sup>37</sup> transport of horses,<sup>38</sup> animals in transport to research facilities,<sup>39</sup> animals in transport to auction,<sup>40</sup> and animals in transport as part of traveling circuses or rodeos.<sup>41</sup> While these animals have some protections under federal law, you may still be able to bring charges under state law if an animal dies or is severely injured due to extremes of heat or cold conditions in your jurisdiction.

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35 Sandy Sylvester and Curtis Baranyk, *When animal hoarding is warehousing for profit*, TALES OF JUSTICE, Vol. 1(2 and 3) (2011), available at [http://www.ndaa.org/animal\\_abuse\\_newsletter\\_mailinglist.html](http://www.ndaa.org/animal_abuse_newsletter_mailinglist.html).

36 State chart available at <http://animallaw.info/articles/State%20Tables/tbusdogshotcars.htm>.

37 The federal “Twenty-Eight Hour” law (49 U.S.C. §80502) outlines the interstate transport of farm animals. But some states also have laws on how long farm animals are to be confined during transport. Read more at Paige Tomaselli, INTERNATIONAL COMPARATIVE ANIMAL CRUELTY LAWS, available at <http://www.animallaw.info/articles/ddusiac1.htm#id-13>.

38 See [http://www.aphis.usda.gov/animal\\_welfare/hp/downloads/stakeholder/atteb23c.pdf](http://www.aphis.usda.gov/animal_welfare/hp/downloads/stakeholder/atteb23c.pdf).

39 The Animal Welfare Act (7 U.S.C. §2143) states: (1) The Secretary shall promulgate standards to govern the humane handling, care, treatment, and transportation of animals by dealers, research facilities, and exhibitors. (2) The standards described in paragraph (1) shall include minimum requirements— (A) for handling, housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperatures, adequate veterinary care, and separation by species where the Secretary finds necessary for humane handling, care, or treatment of animals; and (B) for exercise of dogs, as determined by an attending veterinarian in accordance with general standards promulgated by the Secretary, and for a physical environment adequate to promote the psychological well-being of primates. The Animal Welfare Act regulations (9 CFR 1.1 et. seq.) is available at <http://www.gpo.gov/fdsys/pkg/CFR-2009-title9-vol1/xml/CFR-2009-title9-vol1-chapI-subchapA.xml/>.

40 Animal Welfare Act, 7 U.S.C. 2142 and 9 CFR, Part 2, Section 2.1, 2.6, 2.75, 2.76 and 2.100  
9 CFR, Part 3, Subpart F. More information available at [http://www.aphis.usda.gov/animal\\_welfare/policy.php?policy=5](http://www.aphis.usda.gov/animal_welfare/policy.php?policy=5).

41 7 U.S.C. 2131 et. seq.

**Signs of heat stroke include** (but are not limited to):

- body temperatures of 104-110F degrees
- excessive panting
- dark or bright red tongue and gums
- sticky or dry tongue and gums
- staggering
- stupor
- seizures
- bloody diarrhea or vomiting
- coma
- death

*Thank you to Sandy Sylvester, Prince William Assistant Commonwealth Attorney (Virginia), for supplying this checklist.*

**Investigative Checklist for Animals in Hot Cars**

- ✓ Record body temperature as soon as possible.
- ✓ Obtain weather for the incident date including ambient temperature, heat index, and humidity.
- ✓ If perpetrator was in a store and left the animal in a car, obtain receipts and video surveillance to show how long animal was left in car.
- ✓ Photograph car to show the condition of shade on the car, position of windows, available water or ventilation in the car.
- ✓ Search vehicle (obtain search warrant if needed) to determine if animal tried to escape. Look for claw marks, chewing, scratching at windows.
- ✓ Search the vehicle looking for bodily fluids.
- ✓ Always take the animal to a veterinarian even if the animal seems fine. There are complications from heat stroke including disseminated intravascular coagulation which can be fatal.
- ✓ Canvas the area for witnesses.
- ✓ Obtain all records pertaining to the animal's care (veterinary records, compliance with local ordinances, etc.).

*Thank you to Sandy Sylvester, Prince William Assistant Commonwealth Attorney (Virginia), for supplying this checklist.*

In addition to the challenges with investigating and prosecuting large scale seizures like hoarding and puppy mill cases comes the financial burden of seizing, caring for and housing the animals. These cases can run in the tens of thousands of dollars, and sometimes into the millions. Most jurisdictions do not have the funds or space to house the animals until they are healthy and/or relinquished for adoption. This is where many national, state and local animal protection groups can be a helpful partner to the prosecution by taking over the care of the animals. Prosecutors should welcome and even approach local, state and national organizations to request assistance with the seizure, care and eventually placement of the seized animals. It is also important to know your civil forfeiture laws that may allow for the transfer of ownership from the owner to your local animal protection agency for placement before conclusion of the case. (See later section on *Seizure and Holding of Animal Victims*).

### **Intentional Harm**

Cases of intentional cruelty, such as those described at the beginning of this monograph, are the ones of greatest concern to the general public and the ones more likely to involve juvenile offenders.<sup>42</sup> There is legitimate fear that the individuals involved in violent acts against animals present a danger to the public that must be addressed.

Intentional cruelty can involve kicking, punching, stabbing, shooting, poisoning, strangling, electrocuting, setting on fire, and other acts that constitute torture. In recent years, some states have passed torture laws that raise the penalty for these offenders in recognition that these individuals are engaging in aggressive and antisocial behavior that needs to be taken seriously.

Intentional animal cruelty is often seen in association with other serious crimes including drug offenses, gang activity, weapons violations, child abuse, sexual assault and domestic violence, and can be one of the most visible parts of an entire history of aggressive or antisocial behavior. Such cases are often easier to prosecute than neglect or hoarding cases since the effects of the crime on the victim may be easier to document and the intentionality of the offense is more clearly recognized.

### **Organized Criminal Enterprise: Animal Fighting**

Some states are now recognizing that animal fighting is part of an organized criminal enterprise. As such, animal fighting is now being included in state racketeering and criminal enterprise statutes.<sup>43</sup> “Blood sports” such as dogfighting and cockfighting have been singled out for special attention in the anticruelty laws of the United States and the United Kingdom since their inception in the 19th century. These crimes continue to flourish, often in connection with other offenses. The lucrative and underground nature of these offenses, and the logistical problems of dealing with many defendants and many animals that may be seized as evidence, can present unique challenges to police and prosecutors.

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42 Randall Lockwood, *Counting Cruelty: Challenges and Opportunities in Assessing Animal Abuse and Neglect in America*, in *INTERNATIONAL HANDBOOK OF THEORY AND RESEARCH ON ANIMAL ABUSE AND CRUELTY* (Purdue University Press 2006-2007).

43 States that have included animal fighting in their racketeering laws are Florida (Fla. Stat. §895.02), Illinois (720 Ill. Comp. Stat. §5/33G-3), Michigan (Mich. Comp. Laws §750.159g), Oregon (Or. Rev. Stat. §166.715), Utah (Utah Code §76-10-1602) and Virginia (VA. Code. Ann. §18.2-513).

The federal Animal Fighting Prohibition Enforcement Act was enacted in 2007. It provides for felony penalties for interstate commerce, import and export relating to commerce in fighting dogs, fighting cocks, and cock fighting paraphernalia. Each violation can result in up to 3 years in jail and a \$250,000 fine. As of 2013, dogfighting is a felony in all 50 states and the District of Columbia, Puerto Rico and the Virgin Islands. In most states the possession of dogs for the purpose of fighting is also a felony offense. In recent years, states have focused on increasing penalties for spectators at animal fighting events (because without spectators betting, these events would not occur) and increased penalties for bringing children to events.

Cockfighting is also illegal in all states and is a felony in all but 10 states.<sup>44</sup> As with fighting dogs, interstate transportation or export of cocks for fighting purposes is prohibited under the federal Animal Welfare Act. Forty-one states and the District of Columbia currently prohibit being a spectator at a cockfight. In a growing number of states the possession of cockfighting implements is also a crime.

Since existing federal laws dealing with these blood sports are weaker than nearly all state laws, they are infrequently applied in such cruelty cases. Federal legislation was introduced in the 2012-13 Congressional session that would add language and additional penalties for bringing spectators and children to animal fighting events.<sup>45</sup>

Other forms of “bloodsport” are beginning to attract legislative and legal attention as well. “Hog dog” competitions in which dogs are pitted against confined hogs have recently been outlawed in Alabama and similar restrictions have been proposed in other states.

For more information on investigating and prosecuting dog fighting, check out the *Dogfighting Tool Kit for Law Enforcement*.<sup>46</sup>

### Ritualistic Abuse

The phrase “occult and ritualistic animal abuse” immediately evokes many disturbing images: a cat nailed to a crucifix and burned, the head of a dog left on the steps of a building with a piece of paper bearing a curse stuck in the animal’s mouth, a goat’s throat slit as part of a ritual sacrifice. Few other crimes against animals create such intense concern within a community. Most crimes in which animals are killed or mutilated and left where they will be discovered immediately raise fears of “satanic” or cult activity and concern about what other crimes the perpetrators of such acts may have committed or be capable of. Yet it is precisely because of the highly emotional nature of these crimes that there is an even greater need for careful, rational, systematic investigation of the evidence and care in prosecution.

Increasingly, law enforcement officials have recognized the need to be knowledgeable of the range of unfamiliar or occult practices one might encounter but, at the same time, they have recognized the need to focus objectively on those actions that may constitute a crime and not be distracted by constitutionally

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44 Those ten states are Alabama, Hawaii, Kentucky, Mississippi, Ohio, South Carolina, South Dakota, Tennessee, Utah, and West Virginia. Three states only have felony penalties for the second offense: California, Louisiana and New Mexico.

45 Animal Fighting Spectator Prohibition Act of 2013, H.R. 366 and S. 666.

46 Available at <http://www.cops.usdoj.gov/pdf/publications/PublicationRequestForm.pdf> (page 5).

protected beliefs that are unconventional or even unpopular. However, prosecutors should not avoid prosecuting well-documented instances of animal cruelty simply because they have allegedly been done in the name of religious practice. In 1987 the City of Hialeah, Florida, passed an ordinance that banned Santeria Church of Lukumi Babalu Aye practitioners from performing animal sacrifice as part of their ceremonies. The ordinance was upheld by the State Supreme Court and Federal District Court but was overturned by the U.S. Supreme Court,<sup>47</sup> which held that the law was too specific in its restriction of a specific religious organization. Although some feared that this decision might open the door to widespread proliferation of animal sacrifice as a protected religious practice, the Supreme Court unanimously held that governments have the right to enforce more broadly based prohibitions on animal cruelty, livestock keeping, and zoning and noted that the decision did not restrict enforcement of anticruelty laws, which were subsequently used in successful prosecution of some practitioners.

### **Bestiality**

Sexual contact with animals was once subsumed within “crimes against nature” laws in nearly every state. Over the last several decades the repeal of many of these laws has had the unintended effect of decriminalizing animal sexual assault unless the act involved some other crime such as cruelty to animals, indecent exposure, trespass, or breaking and entering. In response to this unintended change, many state legislatures have reenacted provisions specifically targeting bestiality as distinct from other traditional “crimes against nature” or animal cruelty offenses. These laws continue to change rapidly, but the majority of states have reinstated such provisions.

Opponents of such laws maintain that their behavior constitutes a lifestyle choice, but this view is countered by the prevailing legal, legislative, and societal view that such contact constitutes “interspecies sexual assault” and is problematic because (1) human-animal sexual contact is coercive as the animal is unable to “consent,” (2) such practice often causes pain or death for the animal, and (3) animals are unable to consent to or communicate about their abuse. There are also growing instances where predators are forcing children to engage in acts of bestiality, which can cause a host of physical and mental issues for children, as well as harm to the animal.

Prosecutions for animal sexual assault are occurring more in recent years, but are still uncommon and can present unique challenges to prosecutors and often require expert veterinary and psychological testimony. The organizations listed in the Resources section can provide assistance in identifying appropriate experts to assist in such cases.

When a defendant is convicted of bestiality, some state sexual offender registration laws will require the defendant to register. Registration for bestiality (or forcing another to engage in bestiality) is required in: Connecticut, Delaware, Florida, Idaho, Illinois, Indiana, Kansas, Louisiana, Maryland, Michigan, Mississippi, Missouri, Montana, Nevada, New Hampshire, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, and Virginia.<sup>48</sup>

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<sup>47</sup> Church of the Lukumi Babalu Aye v. City of Hialeah, 508 U.S. 520 (1993).

<sup>48</sup> Visit <http://www.ndaa.org/pdf/Bestiality%20and%20Sex%20Offender%20Registration.pdf> for a statutory compilation on this issue.

Bestiality is included in the definition of child pornography/obscenity, and requires registration for the production, promotion, distribution, or possession of such materials or live shows in these states: Alaska, Arizona, Arkansas, California, Colorado, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and also federal law, Guam and the U.S. Virgin Islands.<sup>49</sup>

Jessica's Law (Fla. Stat. §1012.465), which was passed in Florida in 2005 after Jessica Lunsford was kidnapped, raped and buried alive, has been modeled in 42 other states. These laws require automatic sex offender registration for the sexual assault of children under the age of twelve. This law was successfully applied in Sacramento, California in December 2011 against a defendant who strangled and sexually abused an eight-month old Chihuahua.<sup>50</sup> The dog survived but suffered extensive physical injuries and now has an extraordinary fear of men.

### Crush Video Production

Federal law proscribes the creation and/or distribution of crush videos (18 USC §48). This statute was substantially amended after *United States v. Stevens*, 559 U.S. 460; 130 S. Ct. 1577; 176 L. Ed. 2d 435 (2010) when the United State Supreme Court found the original version of the statute (applied to a dogfighting case) unconstitutional. Crush videos are a sub-genre of the sadomasochist world, *see*, *People v. Thomason*, 84 Cal. App. 4<sup>th</sup> 1064, 101 Cal. Rptr. 2d 247 (2000) and *State v. George A.*, 308 Conn. 274, 63 A.3d 918 (2013). As of this writing, in *United States v. Richards*, 2013 U.S. Dist. LEXIS 55383, a federal trial court judge has ruled that the post-*Stevens* amendments to 18 USC §48 were not sufficient and that the statute is a facial violation of the First Amendment. The trial court's ruling is pending appeal in the Fifth Circuit.

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49 Visit <http://www.ndaa.org/pdf/Bestiality%20and%20Sex%20Offender%20Registration.pdf> for a statutory compilation on this issue.

50 *Maximum 10-year sentence for man who sexually abused Chihuahua* (December 26, 2011), <http://www.examiner.com/article/maximum-10-year-sentence-for-man-who-sexually-abused-chihuahua>.



## RESPONDING TO ANIMAL ABUSE

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The National District Attorneys Association has recognized that training for prosecutors and investigators is essential in the area of animal abuse, not necessarily due to the difficulty of these cases, but due to the uniqueness. Some of the unique factors include:

- *Understanding the nuances of criminal and civil laws involving the seizure of animals and prosecution of offenders.* Civil procedures, criminal laws, and statutory definitions are often unclear on what investigative authority allows, which too often results in lack of action to safeguard animals in jeopardy of serious injury or death. Prosecutors are experts at criminal law and procedure, but may be unfamiliar with civil procedure that governs defendants posting a bond for the care of animals and forfeiture of the seized animal(s) for placement before conclusion of the case.
- *Understanding that you will never have a victim that can testify.* From the initial report, these cases must be prepared like a homicide case because you will not have a victim that can testify. Approaching every case in that manner, regardless of the criminal penalty or severity of the harm, is important to send a message to communities that animal abuse will not be tolerated.
- *Understanding that animal abusers are in every community.* “We don’t have animal abuse here” may be a comfortable way of living in a community, but it is not based in reality. Unfortunately, animal abusers are everywhere. When investigators and prosecutors can educate a community on signs of animal cruelty and neglect, how to report, and what to expect after a report, this can reduce the amount and frequency of animal abuse and can result in a safer community. When caring citizens report animal abuse only to be met with unfriendly and unhelpful investigators and prosecutors, this erodes communities and their trust in law enforcement.
- *Understanding that animal abuse cases are often circumstantial.* Criminal cases based on circumstantial evidence are tried every day in courtrooms across the country. Not every case has a confession, eyewitness or videotaped commission of the crime. Far too often, prosecutors do not pursue circumstantial evidence cases. The use of forensic evidence and forensic veterinarians can overcome any concern about proceeding with a circumstantial evidence case.
- *Understanding that you may have live evidence.* If your animal victim is alive, it is important to fully know your civil and criminal procedure laws on getting the animal released from custody before the case concluded. Seized animal victims who live for months and sometimes years in cages during the pendency of a case can suffer from a host of physical and behavioral issues. It is unacceptable to seize an animal from an abusive situation only to cage them for an extended period of time.<sup>51</sup> Therefore, prosecutors and investigators need to work with the housing agency to release the animals for adoption or placement, or work with the community to have the animals housed in foster care. This will not only benefit the animal victim, but will eliminate an extensive financial and space burden on your local animal shelter. For every cage that is taken up by an animal victim, that is one needy community animal who will be denied entry to the shelter or will be euthanized due to lack of space. It is critical

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<sup>51</sup> Madeline Bernstein and Barry M. Wolf, *Time to feed the evidence: What to do with seized animals*, 35 ENVIRONMENTAL LAW REPORTER 10679-10689 (2005).

that prosecutors and investigators take an immediate and proactive step to release animals for adoption or placement as soon as possible. This can include making an agreement with the defendant to release custody of the animals before disposition of the case.

- *Understanding that communities will speak out against animal abuse.* Two-thirds of American homes have companion animals and even more people care about animals in general. These individuals will vocalize their displeasure over acts of animal abuse. This can be beneficial when such concern promotes the reporting, investigation and prosecution of animal abuse. On the other hand, this can also create issues for investigators and prosecutors if reports are not taken seriously, citizens are treated rudely and with disrespect, or laws are not clearly defined and consistently enforced. You are more likely to have a packed courtroom of observers on an animal abuse case than in any other case. This may be because the public sees animals as the most innocent victims and insist that they have someone be their voice in the courtroom. If that strong and effective voice is not the investigator and prosecutor, the community will provide that voice.
- *Understanding that communities have varied opinions about animals.* This can become apparent during jury selection, especially in rural or farming communities. You will encounter people who treat their animals like four-legged children (including taking them to day care and play dates with other animal friends), to people who treat their animals like disposable property. You will encounter colleagues, judges and community members who also have a wide range of opinions about animals. It is important to follow the law and pursue these cases based on a proper investigation and the evidence at hand regardless of individual opinions you encounter.
- *Understanding that consistency in animal abuse cases is important.* It is important for investigative agencies and prosecutor's offices to set a policy on the handling of animal abuse cases so that cases are handled consistently. With the wide range of opinions on animals, one investigator or prosecutor may take these crimes very seriously and prepare the case professionally and appropriately, whereas another may not understand the importance of taking animal abuse seriously, may not understand the laws, and may be dismissive about the case. Like any other crime, this will send a conflicting message to your community. In recent years, we have seen prosecutor's offices designating one prosecutor to handle all animal abuse cases. Or if the caseload is extensive, setting up an animal abuse unit. This ensures that investigators and prosecutor handling these cases are fully trained in the nuances of the law and the special types of veterinary and forensic evidence encountered so that they can respond appropriately and handle the cases consistently.
- *Understanding that working with your community and animal protection groups will result in better cases and safer communities.* When your community is faced with a large-scale seizure, this is an opportunity to engage your community and animal protection organizations who can help. This can be in the form of trained animal protection professionals assisting investigators with the seizure, setting up sheltering for the seized animals, providing care to the animals, assisting with temperament testing of the animals (especially dogs from a dog fighting enterprise, puppy mill or animal hoarding victims), re-homing the animals through adoption and placement events, and financially supporting the care of the animals during the pendency of the case. No investigator or prosecutor should hesitate in charging an offender and seizing animals out of financial concern. Resources are available.
- *Understanding that the media may take great interest even in the most basic animal abuse case.* With the continuing growth of social media, cases of animal abuse and neglect are now widely publicized and often garner the attention of the entire country and the world. Media stories about animals in harm's way are popular.